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			ART UNIT 2617	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/572,978	<b>Applicant(s)</b> HOSOKAWA ET AL.	
	<b>Examiner</b> CHARLES SHEDRICK	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-5,7 and 16-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-5,7,16-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 12/23/08 have been fully considered but they are not persuasive.

#### **2. Claim 16**

Applicant argues that Holma does not disclose the following features of amended claim 16: A mobile station . . . comprising: a system information estimation section that estimates system information of the second radio communication system from the radio wave received from the second radio communication system, the system information including an indication of the existence of the second radio communication system, and outputs the system estimation information ....(emphasis added). These features may be found throughout the application and, particularly, on page 36, lines 17-22. No new matter has been added.

Accordingly the Applicant indicates that the claimed invention differentiates the cited prior based on the reason that "the Office Action asserts the "system estimation section" of claim 16 is disclosed by Holma in its abstract and at col. 1, lines 9-10, col. 4, lines 19-29, and col. 5, line 2. Applicants respectfully assert that these portions of Holma do not describe all of the above-quoted features of claim 16. The abstract and col. 1, lines 9-10 of Holma describe a handover event and the provision of neighbor lists to a mobile terminal during handover. Col. 4, lines 19-29 of Holma describes how a mobile terminal is an "active participant in the handover procedure" and how the mobile terminal controls its own signal strength and obtains information on the signal strength of neighboring cells from the neighbor lists it receives. Finally, col. 5, line 2 of Holma refers to a "system information message" received by the mobile terminal.

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Applicants note that the "system information message" includes the neighbor lists generated by the RNC 74 and the BSC 82. (See Holma, col. 5, lines 2-40 and col. 6, lines 7-31.) The above-noted portions of Holma cited by the Office Action do not describe "a mobile station" that includes "a system information estimation section that estimates system information of the second radio communication system from the radio wave received from the second radio communication system, the system information including an indication of the existence of the second radio communication system," as recited in amended claim 1. Rather, these portions of Holma describe how system information messages, which include neighbor lists generated by the RNC 74 and the BSC 82, are provided to the mobile device. The RNC 74 and the BSC 82 do not estimate system information and do not estimate the existence of other radio systems or networks. Further, the RNC 74 and the BSC 82 are not located in the mobile device. (See Holma, Fig. 2.) Accordingly, Applicants respectfully assert that Holma does not disclose all of the features of claim 16. Withdrawal of the rejection and reconsideration and allowance of the claim are respectfully requested.

3. The Examiner respectfully disagree. With regard to the system information it is important to note that the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In other words, page 36, lines 17-22 noted by the Applicant indicates the "*the system information estimations section 606 estimates the existence of the radio communication system B from information about a reception signal provided by the base station 106, e.g., frequency band, channel width, slot interval, average power, peak factor, or hopping pattern.*"

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Carefully consider that the above-noted sections are mere examples of system information that allows the mobile to estimate the existence. Given the broadest reasonable interpretation the Examiner respectfully notes that "system information" would include any information about the system including signal presence, signal strength, frequency etc. The sections cited by the Examiner illustrates a reasonable interpretation of the claim language. One of ordinary skill in the art would recognize that Holma teaches where the mobile uses the system information to assist in handover. Based on the claim language the Examiner is unable to make a distinction between " system information" of the claim language and system information cited in a few relevant sections of the prior art when taken into context of the reference as a whole.

4. **Claims 17-19**

Claims 17-19 depend from claim 16 and include all of the features thereof.

5. **Claim 20**

Claim 20 recites features similar to those of claim 16 discussed above.

6. Accordingly, The Examiner respectfully assert that Holma disclose all of the features of claims 17-20.

7. **Rejections of Claims 1-7, 13-15 and 21-25**

Claims 1-2, 5-6 and 13-15 are cancelled.

Applicant argues neither Holma, nor Chambert, nor their combination discloses or suggests the following features of amended claim 3: a system information estimation section that estimates system information of the second radio communication system from the radio wave received from the second radio communication system, the system information including an indication of the existence of the second radio communication system, and outputs the system estimation

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information...These features are found throughout the originally filed application and, particularly, on page 22, lines 14-19. No new matter has been added.

Applicants note that claim 3 is directed to a "**radio communication system**" that includes the above-quoted "system information estimation section." As with claim 16 discussed above, the Office Action asserts that the "system estimation section" of claim 3 is disclosed in the description of the WCDMA and/or GSM system information found in the abstract, col. 1, lines 9-10, col. 4, lines 19-29, and col. 5, line 2 of Holma. Applicants respectfully assert that these portions of Holma do not describe all of the above-quoted features of claim 3.

The above-noted portions of Holma cited by the Office Action do not describe "a system information estimation section that estimates system information of the second radio communication system from the radio wave received from the second radio communication system, the system information including an indication of the existence of the second radio communication system," as recited in amended claim 3. Rather, these portions describe how system information messages, which include neighbor lists generated by the RNC 74 and the BSC 82, are provided to mobile device. The RNC 74 and the BSC 82 do not estimate system information and do not estimate the existence of other radio systems or networks. Accordingly, Applicants respectfully assert that Holma does not disclose the above-quoted features of amended claim 3.

8. As noted above with respect to claim 16, the Examiner is unable to make a distinction between " system information" of the claim language and system information cited in a few relevant sections of the prior art when taken into context of the reference as a whole. While claim 3 recite a "**radio communication system**" the argued limitations are comprised in a mobile

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station which appears to be the equivalent of the mobile station argued above with respect to claim 16.

9. Claims 4 and 24-25 depend, ultimately, from claim 3 and, therefore, include all of the features thereof. Claim 7 recites features similar to those of claim 3 discussed above. Claims 21-23 depend from claim 20 and include all of the features thereof. For the reasons discussed above with respect to claims 3, 16, and 20, The Examiner respectfully assert that the features of claims 4, 7, and 21-25 are not allowable.

10. Applicants submitted new claims 26-29 for consideration. These claims recite further features of the "system information estimation section" recited in the claims. Specifically, these claims recite "scanning to see in which frequency band the radio signal received is located." As described above, Holma does not describe a "system information section" that estimates system information as recited in the claims. Accordingly, Applicants respectfully assert that new claims 26-29 are allowable over Holma and Chambert for reasons similar to those discussed above.

Favorable consideration is respectfully requested.

11. However the Examiner respectfully disagree. Although it may not be explicitly recited in the prior art the GSM/WCDMA system inherently scans adjacent cells/areas to determine 1) the strongest signal and 2 the frequency band since multimode technologies operate in multiple frequency bands (i.e., see frequency bands of operation and GSM stds. as cited in at least col. 1 lines 25-line 54).

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **16- 20** rejected under 35 U.S.C. 102(e) as being anticipated by Holma US Patent No: 6,836,471.

Consider **claim 20**, Holma teaches a mobile station capable of communications with both a base station of a first radio communication system(e.g., see at least mobile station 10 of figure 1), and a base station of a second radio communication system including a cell being in close proximity to or overlapping a cell for communications by the base station of the first radio communication system(e.g., see figures 1 and 2 and col. 2 lines 60-65 ), and operating asynchronous to the base station of the first radio communication system(i.e., via distinct first and second operators )(e.g., see col. 2 line 54- col. 3 line 3), comprising: a radio section that receives a radio wave from each of the first and second radio communication systems(i.e., a dual mode mobile station)(e.g., see at least col. 4 line 48, abstract, figures 3 and 4, and summary of invention); a system information detection/estimation section that detects system information of the second radio communication system from radio waves received from the second radio communication system(i.e., WCDMA and/or GSM system information which include RSSI )(e.g., see abstract, col. 1 lines 9-10, col. 4 lines 19-29, col. 5 line 2), the system information



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including an indication of the existence of the second radio communication system from the radio wave received from the second radio communication system(i.e., **WCDMA and/or GSM system information which include RSSI** )(e.g., see abstract, col. 1 lines 9-10, col. 4 lines 19-29, col. 5 line 2), the system information including an indication of the existence of the second radio communication system (**i.e., by virtue of signal coverage and/or handoff triggers**)(e.g., see at least col. 4 lines 39-51 and remarks in response to arguments), and outputs system detection/estimation information(i.e., **the mobile station is an active participant in the handover procedure. The list provided by the BSC/RNC are specific to the mobile station**)(e.g., see at least col. 4 lines 19-29. see also measurement reporting); and a storage section that stores the system detection information output from the system information detection section(e.g., **not explicitly shown, however the storage must be provided to hold at least neighbor cell parameters as noted in col. 4 lines 19-29**), wherein a switching is made between separate radio communication systems by storing the system detection information in the storage section when no communications are going on with the base station of the first radio communication system(i.e., **inter-system HO** )(e.g., see at least abstract and col. 2 lines 47-51, col. 4 lines 10-18 ), and by informing the system detection information stored in the storage section to the base station of the first radio communication system when communications are through with the base station of the second radio communication system (**i.e., note also that handover can also occur due to a change of radio resources providing a service without necessarily any change of the base stations involved as discussed in col. 4 lines 10-19** ).

Consider **claim 16**, Holma teaches a mobile station capable of communications with both a base station of a first radio communication system(e.g., see at least mobile station 10 of

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**figure 1**), and a base station of a second radio communication system including a cell being in close proximity to or overlapping a cell for communications by the base station of the first radio communication system(e.g., **see at least mobile station 10 of figure 1**), and operating asynchronous to the base station of the first radio communication system(i.e., **via distinct first and second operators** )(e.g., **see col. 2 line 54- col. 3 line 3**), comprising: a radio section that receives a radio wave from each of the first and second radio communication systems(i.e., **a dual mode mobile station**)(e.g., **see at least col. 4 line 48, abstract, figures 3 and 4, and summary of invention**); and a system information estimation section that estimates system information of the second radio communication system from the radio wave received from the second radio communication system(i.e., **WCDMA and/or GSM system information which include RSSI** )(e.g., **see abstract, col. 1 lines 9-10, col. 4 lines 19-29, col. 5 line 2**), the system information including an indication of the existence of the second radio communication system (i.e., **by virtue of signal coverage and/or handoff triggers**)(e.g., **see at least col. 4 lines 39-51 and remarks in response to arguments**), and outputs system estimation information(i.e., **the mobile station is an active participant in the handover procedure. The list provided by the BSC/RNC are specific to the mobile station and created based on info fed back from the mobile**) (e.g., **see at least col. 4 lines 19-29**), wherein for communications with the base station of the first radio communication system, a switching is made between separate radio communication systems by informing the system estimation information to the base station of the first radio communication system(i.e., **inter-system HO** )(e.g., **see at least abstract and col. 2 lines 47-51, col. 4 lines 10-18** ).

Consider **claim 17 and as applied to claim 16** , Holma teaches wherein the mobile station includes a position detection section that detects position information of the mobile station(**i.e., position with respect to network areas**)(**e.g., see at least figure 1 and col. 5 lines 2 – col. 6 line 31**), for a communications with the base station of the first communication system(**i.e., position with respect to network areas**) (**e.g., see at least figure 1 and col. 5 lines 2 – col. 6 line 31**), and a switching is made between the separate radio systems by informing the system detection information and the position information from the base station of the first radio communication system to the mobile station in the cell for communications by the base station of the first radio communication system(**i.e., inter-system HO** )(**e.g., see at least abstract and col. 2 lines 47-51, col. 4 lines 10-18**).

Consider **claim 18 and as applied to claim 17**, Holma teaches wherein the position detection section detects absolute position information (**i.e., absolute with respect to area**) (**e.g., see at least figure 1 and col. 5 lines 2 – col. 6 line 31**).

Consider **claim 19 and as applied to claim 17**, Holma teaches wherein the position detection section detects relative position information from the base station (**i.e., relative with respect to borders**) (**e.g., see at least figure 1 and col. 5 lines 2 – col. 6 line 31**).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims **3-4, 7 and 21-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Holma US Patent No: 6,836,471** in view of **Chambert US Patent No.: 5,499,387**

Consider **claim 3**, Holma teaches A radio communication system, comprising: a base station of a first radio communication system(e.g., see **figures 1 and 2**); a base station of a second radio communication system including a cell being in close proximity to or overlapping a cell for communications by the base station of the first radio communication system(e.g., see **figures 1 and 2 and col. 2 lines 60-65** ), and operating asynchronous to the base station of the first radio communication system(i.e., via **distinct first and second operators** )(e.g., see **col. 2 line 54- col. 3 line 3**); and a mobile station capable of communications with both the first and

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second radio communication systems(e.g., **see at least mobile station 10 of figure 1**), wherein the mobile station includes: a radio section that receives a radio wave from each of the first and second radio communication systems(i.e., **a dual mode mobile station**)(e.g., **see at least col. 4 line 48, abstract, figures 3 and 4, and summary of invention**); and a system information estimation section that estimates system information of the second radio communication system from radio waves received from the second radio communication system(i.e., **WCDMA and/or GSM system information which include RSSI** )(e.g., **see abstract, col. 1 lines 9-10, col. 4 lines 19-29, col. 5 line 2**), the system information including an indication of the existence of the second radio communication system (i.e., **by virtue of signal coverage and/or handoff triggers**)(e.g., **see at least col. 4 lines 39-51 and remarks in response to arguments**);and outputs the system estimation information(i.e., **the mobile station is an active participant in the handover procedure. The list provided by the BSC/RNC are specific to the mobile station and created based on info fed back from the mobile** )(e.g., **see at least col. 4 lines 19-29**), the base station controller of the first radio communication system includes a storage section that stores the system estimation information provided by the mobile station(e.g., **see at least col.3 lines 55-63 and figure 2**), and a switching is made between separate radio communication systems by informing the system estimation information from the base station (i.e., **via the RNC or BSC**) of the first radio communication system to the mobile station in the cell for communications by the base station of the first radio communication system(i.e., **inter-system HO** )(e.g., **see at least abstract and col. 2 lines 47-51, col. 4 lines 10-18** ).

However, Holma does not specifically teach wherein the storage section is included in the base-station.

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In analogous art, Chambert teaches wherein the storage section is included in the base-station (e.g., **see at least col. 6 lines 10-15**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holma to include a base-station storage section for the purpose of handoff as taught by Chambert.

Consider **claim 7**, Holma teaches a base station in a radio communication system, comprising: a first base station of a first radio communication system(e.g., **see figures 1 and 2**); a second base station of a second radio communication system including a cell being in close proximity to or overlapping a cell for communications by the first base station(e.g., **see figures 1 and 2 and col. 2 lines 60-65** ), and operating asynchronous to the first base station(i.e., **via distinct first and second operators** )(e.g., **see col. 2 line 54- col. 3 line 3**); and a mobile station capable of communications with both the first and second radio communication systems(i.e., **a dual mode mobile station**)(e.g., **see at least col. 4 line 48, abstract, figures 3 and 4, and summary of invention**), wherein **the first base station includes**: an other system reception section that receives a radio wave from the second base station(i.e., **the other reception section receives the radio wave from the base station via the BSC/RNC**); a system information estimation section that estimates system information of the second radio communication system from an output of the other system reception section based on the received radio wave (i.e., **the BS works in conjunction with the BSC to provide neighbor cell parameters**)(e.g., **see at least col. 4 lines 19-51**); the system information including an indication of the existence of the second radio communication system (i.e., **by virtue of signal coverage and/or handoff triggers**)(e.g., **see at least col. 4 lines 39-51 and remarks in response to arguments**) and a

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switching is made between separate radio communication systems by informing the system estimation information of the second base station from the first base station to the mobile station in communications with the first base station(i.e., **inter-system HO** )(e.g., see at least **abstract and col. 2 lines 47-51, col. 4 lines 10-18**).

However, Holma does not specifically teach wherein a storage section that stores the system estimation information being an output of the system information estimation section,

In analogous art, Chambert teaches wherein the storage section is included in the base-station (e.g., see at least **col. 6 lines 10-15**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holma to include a base-station storage section for the purpose of handoff as taught by Chambert.

Consider **claim 4 and as applied to claim 3**, Holma teaches wherein the mobile station includes a position detection section that detects position information of the mobile station(i.e., **position with respect to network areas**)(e.g., see at least **figure 1 and col. 5 lines 2 – col. 6 line 31**), the base station controller/RNC of the first radio communication system includes a storage section that stores the system detection information and the position information provided by the mobile station(i.e., **position with respect to network areas**) (e.g., see at least **figure 1 and col. 5 lines 2 – col. 6 line 31**), and a switching is made between the separate radio systems by informing the system detection information and the position information from the base station of the first radio communication system to the mobile station in the cell for communications by the base station of the first radio communication system(i.e., **inter-system HO** )(e.g., see at least **abstract and col. 2 lines 47-51, col. 4 lines 10-18**).

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However, Holma does not specifically teach wherein the storage section is included in the base-station.

In analogous art, Chambert teaches wherein the storage section is included in the base-station (e.g., see at least col. 6 lines 10-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holma to include a base-station storage section for the purpose of handoff as taught by Chambert.

Consider **claim 21 and as applied to claim 20** , Holma teaches wherein the mobile station includes a position detection section that detects position information of the mobile station(i.e., **position with respect to network areas**)(e.g., see at least **figure 1 and col. 5 lines 2 – col. 6 line 31**) wherein a switching is made between separate radio communication systems by storing the system detection information in the storage section when no communications are going on with the base station of the first radio communication system(i.e., **inter-system HO** )(e.g., see at least **abstract and col. 2 lines 47-51, col. 4 lines 10-18** ), and by informing the system detection information stored in the storage section to the base station of the first radio communication system when communications are through with the base station of the second radio communication system (**i.e., note also that handover can also occur due to a change of radio resources providing a service without necessarily any change of the base stations involved as discussed in col. 4 lines 10-19** ).

However, Holma does not specifically teach wherein the storage section is included in the base-station.



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In analogous art, Chambert teaches wherein the storage section is included in the base-station (e.g., **see at least col. 6 lines 10-15**).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holma to include a base-station storage section for the purpose of handoff as taught by Chambert.

Consider **claim 22 and 24 and as applied to claims 21 and 4**, Holma as modified by Chambert teaches wherein the position detection section detects absolute position information (**i.e., absolute with respect to area**) (e.g., see at least **figure 1 and col. 5 lines 2 – col. 6 line 31**).

Consider **claim 23 and 25 and as applied to claims 21 and 4**, Holma as modified by Chambert, wherein the position detection section detects relative position information from the base station (**i.e., relative with respect to borders**) (e.g., see at least **figure 1 and col. 5 lines 2 – col. 6 line 31**).

Consider **claims 26-29 and as applied to claims 3,7, 16 and 20** Holma alone and/or as modified by Chambert teaches wherein the system information estimation section further performs scanning to see in which frequency band the radio signal received is located( **Although it may not be explicitly recited in the prior art the GSM /WCDMA system inherently scans adjacent cells/areas to determine 1) the strongest signal and 2 the frequency band since multimode technologies operate in multiple frequency bands (i.e., see frequency bands of operation and GSM stds. as cited in at least col. 1 lines 25-line 54)**).

***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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